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(Modified) PTO/SB/26 (10-96)
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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT	Docket Number (Optional) 40736
<p>In re Application of: MCGRATH, et al.</p> <p>Application No. 09/801,831</p> <p>Filed: March 9, 2001</p> <p>For: Automated Apparatus Including a Robotic Arm for Loading Samples into Wells for First Dimension Electrophoresis Separation</p>	
<p>The owner*, Large Scale Proteomics Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as presently shortened by any terminal disclaimer, of prior Patent No. 6,537,434. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p>	
<p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p>	
<p>Check either box 1 or 2 below, if appropriate</p>	
<p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p>	
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>	
<p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record.</p>	
<p style="text-align: center;">  Signature </p>	
<p style="text-align: center;"> John C. Robbins, Reg. No. 34,706 _____ Typed or printed name </p>	
<p>3. <input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) is included.</p>	
<p>*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/98 may be used for making this certification. See MPEP §324.</p>	

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40736

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**ASSIGNMENT**

WHEREAS, We, Andrew McGrath, N. Leigh Anderson and Jack Goodman and, all citizens of the United States of America, residing respectively at 1) 14126 Angelton Terrace, Burtonsville, MD 20866, 2) 1759 Willard Street, N.W., Washington, D.C. 20009, and 3) PO Box 103, 1415 Crab House Road, Lusby, MD 20657, (hereinafter ASSIGNORS), have made a certain invention entitled **AUTOMATED APPARATUS INCLUDING A ROBOTIC ARM FOR LOADING SAMPLES INTO WELLS FOR FIRST DIMENSION ELECTROPHORESIS SEPARATION** for which we are making application for Letters Patent of the United States, which application was filed March 9, 2001 and is accorded Serial No. 09/801,831; and

WHEREAS, LARGE SCALE PROTEOMICS CORP., a corporation duly organized under the laws of the state of Maryland, located and doing business at 20451 Goldenrod Lane, Germantown, Maryland 20876 (hereinafter ASSIGNEE), is desirous of acquiring the entire right, title and interest in and to the aforementioned invention and the aforementioned application and any and all Letters Patent to be obtained on said invention and/or application;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN:

BE IT KNOWN that for good and valuable consideration paid to us by said ASSIGNEE the receipt and sufficiency of which is hereby acknowledged, we, the ASSIGNORS and, by these presents do hereby sell, assign, set over and transfer unto the said ASSIGNEE, its successors, legal representatives or assigns, the entire right, title and interest in and to the aforesaid invention in and for the United States and all countries foreign thereto; and in, to and under the aforesaid United States application and any corresponding foreign applications and any divisional, continuing, substitute or reissue applications or supplementary disclosures which may be filed on said invention in any country; and our right to file said foreign applications and claim priority under the provisions of the International Convention; and any Letters Patent of the United States or any foreign country issued or granted on said invention and/or said applications;

AND WE HEREBY authorize and request the Patent Office or other issuing authority to issue any and all patents on said invention and/or said application to said ASSIGNEE as sole assignee; and we further hereby authorize said ASSIGNEE to file and prosecute any of said foreign applications in its own name;

AND WE HEREBY covenant that we have the full right to convey the entire right, title and interest herein assigned and that we have not executed and will not execute any assignment or other instrument in conflict herewith;

AND WE HEREBY further covenant and agree to communicate to said ASSIGNEE, or its legal representatives, successors or assigns, any facts relating to said invention, including

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evidence for interference purposes or other proceedings, whenever requested, and to testify in any interference or in any other legal proceeding, when requested, and to execute and deliver on request all lawful papers required to make any of the foregoing provisions effective; and to perform the aforesaid communicating, executing and delivering, without any payment except expenses and to perform the aforesaid testifying for reasonable compensation; and generally to do everything possible to aid the said ASSIGNEE, its successors, legal representatives or assigns to obtain and enforce proper patent protection on and for said invention in all countries, and likewise we make these provisions binding upon our heirs, legal representatives and/or administrators.

IN WITNESS WHEREOF, we have hereunder set our hand and seal

05/04/01 Andrew McGrath
Date

05/24/01 N. Leigh Anderson
Date

05-21-01 Jack Goodman
Date

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Large Scale Proteomics CorporationApplication No./Patent No.: 09/801,831 /Filed/Issue Date: 3/9/2001 /Entitled: Automated Apparatus Including a Robotic Arm for Loading Samples into Wells for First Dimension Electrophoresis SeparationLarge Scale Proteomics Corporation a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.

The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Feb 2, 2004

Date

John C. Robbins, Reg. No. 34,706

Typed or printed name

I hereby certify that this correspondence is being facsimile transmitted to the US Patent and Trademark Office 703-872-9306 on Feb. 2, 2004.

John C. Robbins

By: John C. Robbins, Reg. No. 34,706

[Signature]

Signature

Patent Agent

Title

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